

REMARKS

I. Status of the Application.

Claims 1-30 of the original application are pending. In the Office Action, the Examiner:

- (a) Objected to claim 24 because a space is needed in between the words "system" and "of" on line 3 of claim 24 and in between the words "lesson" and "with" of line 7 of claim 24;
- (b) Rejected claims 22–25 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;
- (c) Rejected claims 1–4, 7–19, 21–25, and 27–29 under 35 U.S.C. §102(e) as allegedly being anticipated by Linton, U.S. 6,282,404 B1 ("Linton"); and
- (d) Rejected claims 5–6, 20, 26, and 30 under 35 U.S.C. §103(a) as allegedly being obvious over Linton in view of Papadopoulos, U.S. 6,099,320 ("Papadopoulos").

In this Response, Applicants have amended the claims to correct typographical errors in claims 17 and 24, to correct the form of claims 22-25, and to further point out and distinctly claim what Applicants regard as the invention in claims 18, 25 and 28. No new matter was introduced by way of amendment. Applicants respectfully submit that the foregoing amendments and following remarks incorporated herein overcome the Examiner's rejections to claims 1–30, and respectfully request reconsideration of pending claims 1–30 in view of these amendments and remarks.

II. The Examiner's Objection to Claim 24 Should Be Withdrawn.

In the Office Action, the Examiner objected to claim 24 because of informalities in lines 3 and 7. Specifically, the Examiner noted that there should be a space between the words "system" and "of" on line 3, and a space between the words "lesson" and "with" on line 7. The Examiner required that the Applicants make the appropriate corrections to claim 24. In accordance with this requirement, the Applicants have amended claim 24 to correct the informalities pointed out by the Examiner. Accordingly, Applicants respectfully request that the objection to claim 24 be withdrawn.

III. The Examiner's Rejection of Claims 22–25 Under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn.

In the Office Action, the Examiner rejected claims 22–25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner determined that it was unclear whether the Applicants were trying to claim a system or a method in the claims. Further, the Examiner determined that it was unclear whether the claims were meant to be independent or dependent. In response, the Applicants have corrected the form of claims 22–25 so that it is clear that claims 22–25 are independent method claims. Specifically, the Applicants have amended claim 22 to provide an online education system that includes the limitations of the online education system of claim 1. Further, Applicants have amended claim 23 to provide an online education system that includes the limitations of the online education system of claim 14. Similarly, the Applicants have amended claim 24 to provide an online education system that includes the limitations of the online education system of claim 17 and have amended claim 25

to provide an online education system that includes the limitations of the online education system of claim 18.

By amending the form of claims 22–25 to specify that the claims are independent method claims, Applicants respectfully submit that they have overcome the rejection of claims 22–25 under 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully requested that the rejection of claims 22–25 under 35 U.S.C. §112, second paragraph, be withdrawn.

IV. The Rejection of Claims 1-4, 7-19, 21-25, and 27-29 under 35 U.S.C. §102(e) as Being Anticipated By Linton Should Be Withdrawn.

In the Office Action, the Examiner rejected claims 1-4, 7-19, 21-25, and 27-29 under 35 U.S.C. §102(e) as being anticipated by Linton. Applicants traverse the rejection of claims 1-4, 7-19, 21-25, and 27-29 under 35 U.S.C. §102(e) and respectfully request that the rejection be withdrawn.

A) Present Invention

The present invention provides for an improved system and method for online education that insures that a student will spend a required amount of time on a lesson. The present invention includes an educator provider system, at least one student system, and a network connected to the educator provider system and the at least one student system to allow for a lesson to be transmitted from the educator provider to the student system. An audio or video controlling means controls the pace and duration of the presentation of the lesson transmitted to the at least one student system. Traditionally, online education systems and methods have transmitted textual and/or graphic slides, video files, and audio files from an educator provider system to a student system through a network. The problem with the traditional online system

and method is that students are allowed to go through the lesson at their own pace by skipping portions of the lesson. Thus, an educator provider cannot ensure that a student spends a certain amount of time on the lesson.

Unlike the traditional online systems and methods, the present invention provides a means of controlling how fast a student can go through a lesson. To overcome the problems with the prior art, the present invention associates with the lesson an audio file or video file in such a manner that a student cannot advance in the lesson until the video file or audio file is complete. Thus, while the prior art allows for a student to go through a lesson as fast as he or she desires, the present invention controls the presentation of the lesson and only allows the student to advance in a lesson after the audio file or video file has completely finished playing.

Further, unlike the prior art, the present invention provides a means for certifying that the student has completed the lesson and spent the required amount of time on the lesson. Once a student completes a lesson, the present invention generates a lesson completion record and immediately transmits the completion record to either the student system that just completed the lesson or to an education authority. The completion record certifies that the student spent the requisite time on the lesson. Thus, the completion record can be used for certification purposes required by an education authority (i.e. government agencies or professional organizations that require certifications).

B) Linton

Linton discloses a method and system for managing the teaching, evaluation, and reporting of an instructional segment accessed by a user via a computer system. (Col. 2, lns. 41-45). Linton comprises a network 195 that connects a computer 100 to an instructional server

database 210. (Col. 5, lns. 35-37). Server database 200 includes a data server 202, communication server 204, and a video server 206. (Col. 5, lns. 37-38). Communication server 204 allows end users to access instructional materials using their computers 100 through a communications link 191 which can comprise either a direct line connected to database 200, a network that has an Internet server connected thereto, or a local area network (LAN) or wide area network (WAN). (Col. 5, lns. 57-67; Col. 6, lns. 1-15). The materials are downloaded via a video server 206 in multi-media form that includes streaming or broadcasting video as well as video, audio, and text portions. (Col. 6, lns. 5-8). Once a user selects a program from Linton, database server 200 begins transmitting the information over the communication channel to the end user. (Col. 8, lns. 2-4). In this manner, a video can be presented in a video window 912 and text or still images can be presented in a slide window 914 to the user. (Col. 8, lns. 11-14). The still images or textual slides are displayed either by using separate timing codes, by using the synchronized time codes of the video, or by allowing the teacher or user to select the next slide when ready. (Col. 8, lns. 18-20, 24-29, and 46-48). Moreover, Linton provides the user with video controls 916 that allow the user to replay portions of the video, backtrack, pause, stop, or skip ahead through the lesson. (Col. 9, lns. 39-49).

After the user completes the instructional segment, Linton creates an administrative report that includes various information, including the user's answers to the questions in the segment, and transfers the report to the administrator. (Col. 9, lns. 39-49). Once the administrator has had a chance to review this administrative report, the administrator then generates a feedback report to the user regarding the assignment answers. (Col. 10, lns. 25-28). The feedback report is transmitted to the user either via e-mail, as an amended message on the

user's assignment page on the server, or through a hard printed report sent through the mail (Col. 10, lns. 25-33). Thus, Linton discloses an online education system and method that uses timing codes to control the presentation of the slides. Further, Linton provides for a method and system that allows administrators to receive the user's tests and assignments and provide feedback to the user at a later date.

C) The Examiner's Rejection Of Claims 1-4, 7-17, And 22-24 Under 35 U.S.C. §102(e) As Being Anticipated By Linton Should Be Withdrawn

Applicants respectfully submit Linton does not anticipate the present invention under 35 U.S.C. 102(e) because Linton does not disclose all of the elements of claims 1–4, 7–17, and 22–24. A rejection under 102(e) can be overcome by showing that the claims of the present invention are patentably distinguishable from the prior art. MPEP 706.02(b).

Applicants respectfully submit that the present invention is patentably distinguishable because Linton does not disclose all of the elements of independent claims 1, 17, and 22–24. In particular, Linton does not disclose an online education system and method that utilizes either a video mechanism or an audio mechanism to control the pace and duration of the presentation of a lesson over a computer network. Rather, Linton provides for a method and system for online education that utilizes timing codes to control the pace of the presentation of the still images/textual slides and videos that make up an instructional segment. (Col. 8, lns. 18–20). The present invention requires that the content of the lesson have associated therewith at least one audio file or at least one video file. (Application, p. 18, lns. 4–5; p. 23, lns. 9–10 and 21–22). The audio file(s) or video file(s) are used to control the pace and rate of advancement of the presentation of the lesson pages that make up the lesson and a student will not be able to log out or advance to the next screen/page of the lesson until the at least one audio file or video file for

that screen/page has completed playing at the student system 30. (p. 18, lns. 4-11; p. 23, lns. 14-18).

In contrast, Linton does not prevent a student from advancing in the lesson by any means. Rather, Linton uses timing codes to control the presentation of the video and still images/textual slides and provides "[v]ideo controls 916 [to] allow the user to replay portions of the video, back track, pause, stop, or skip ahead as well as control the volume as needed." (Col. 8, lns. 20-24). The video controls are for control of a video only – not for control of the presentation of the lesson to the user. Thus, while the video and the still images/textual slides are controlled by timing codes, the overall presentation of the instructional segments of Linton are controlled by the combination of the timing codes and video controls and the user's decision to allow the segment to play or the user's decision to skip the segment. Nowhere in Linton does it disclose the use of an audio file or video file to control the pace and duration of the presentation of a lesson to an end user. Rather Linton discloses the use of timing codes to control the presentation of its instructional segments. Accordingly, Applicant's respectfully submit that Linton does not anticipate the present invention because it does not disclose a system or method for online education that utilizes an audio file or video file to control the pace and duration of the presentation of a lesson, so that an end user will be forced to watch or listen to the entire lesson without being able to skip any portion of that lesson.

Based on the fact that independent claims 1, 17, and 22-24 all contain a limitation for the presentation of a lesson being controlled by an audio or video file and that claims 2-4 and 7-16 all are dependent from and incorporate all of the limitations of claim 1, Applicants respectfully

submit that the present invention is patentably distinguishable from Linton and the rejection of claims 1-4, 7-17 and 22-24 under 35 U.S.C. §102(e) should be withdrawn.

D) Examiner's Rejection Of Claims 18-19, 21, 25, And 27-29 Under 35 U.S.C. §102(e) As Being Anticipated By Linton Should Be Withdrawn

Applicants respectfully submit Linton does not anticipate the present invention because Linton does not disclose all of the elements of claims 18-19, 21, 25, and 27-29 because independent claims 18, 25 and 28, as amended, are patentably distinguishable from Linton. A rejection under U.S.C. §102(e) can be overcome by showing that the claims of the present invention are patentably distinguishable from the prior art or by amending the claims to patentably distinguish over the prior art. MPEP 706.02(b).

Applicants respectfully submit that Linton does not disclose all the elements of independent claims 18, 25 and 28. Applicants have amended claims 18, 25 and 28 to further clarify that its completion records are immediately transmitted to either the student system on which the lesson was completed or to an education authority system upon completion of the lesson (i.e., listening to every page/screen of the lesson and answering a sufficient number of questions correctly). Further, the claims have been amended to clarify that the completion record certifies that the student has spent the required amount of time on the lesson being transmitted to the student system. Support for the amended claims is provided in the application as filed. Specifically, the specification discloses that "[u]pon listening to every page/screen of the lesson and answering a sufficient number of questions correctly, a screen similar to that of Fig. 12 (certificate of completion) is displayed." (p. 21, lns. 12-14). The specification further discloses that "the electronic certificate of completion available to the student allows the student to obtain official acknowledgement of successful completion." (p. 22, lns. 21-23). Finally, the

specification discloses that by transmitting the completion record directly to the education authority system upon completion of the lesson, "official recognition by the education authority is possible immediately following completion of the course." (p. 22, lns. 21-26).

Applicants respectfully submit that Linton does not disclose a completion record that is immediately transmitted to the student on a student system upon the completion of the lesson and that certifies the student has spent the required amount of time on the lesson presented on the student system. Rather, Linton provides for an administrative report being generated and transmitted to an administrator/educator provider in order to provide information such as the time spent on the lesson and the user's answers to the test or activity at the end of each instructional segment. (Col. 9, lns. 37-49). Linton provides that the administrator will review the administrative report and generate a feedback report to the user regarding the assignment answers that can be posted either via e-mail, as a message on the user's assignment page on the server, or through a hard printed report sent through the mail. (Col. 10, lns. 25-34). Thus, Linton never transmits a completion record to the student on the student system, but rather transmits a feedback report based on the assignment answers. Further, the feedback report is not immediately transmitted to the student system upon completion of the instructional segment/lesson, but rather, is transferred to the student after the lesson is completed and the administrator has had a chance to review the administrative report.

² Moreover, Applicant's respectfully submit that Linton does not disclose transmitting a completion record directly to an education authority on an education authority system for the purposes of the education authority immediately providing official recognition of the completion of the instructional segment/lesson by the student. This latter claim limitation is advantageous in

situations where a student is someone trying to meet a licensing or certification requirement placed upon him by a government or some other similar education authority (e.g., a lawyer trying to meet a continuing legal education requirement placed upon the lawyer by the state's supreme court). (p. 8, lns. 21-23). Accordingly, Applicant's respectfully submit that Linton does not anticipate the present invention, because it does not disclose a method or system for online education that transmits to a student a completion record immediately upon completion of the lesson and that certifies the student spent the required amount of time attending the lesson on the student system. Nor does Linton disclose immediately transmitting such a completion record directly to an education authority upon completion of the lesson by the student.

Based on these distinguishing elements of independent claims 18, 25 and 28 and the fact that claims 19, 21, 27, and 29 all are dependent from and incorporate all of the limitations of either claim 1, claim 25 or claim 28, Applicants respectfully submit that the present invention is patentably distinguishable from Linton and the rejection of claims 18–19, 21, 25, and 27–29 under 35 U.S.C. §102(e) should be withdrawn.

V. The Examiner's Rejection of Claims 5-6, 20, 26, and 30 Under 35 U.S.C. §103(a) As Being Unpatentable Over Linton In View of Papadopoulos, Should Be Withdrawn.

Applicants respectfully submit that the present invention is not obvious over Linton in view of Papadopoulos because neither Linton nor Papadopoulos teach or suggest all of the claim limitations in claims 5-6, 20, 26 and 30 of the present invention. "To establish prima facie obviousness of the claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). Further, "[i]f an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom

is not obvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Claims 5-6 each depend from and incorporate all of the limitations of independent claim 1. Further, claims 20 and 26 each depend from and incorporate all of the limitations of independent claim 18, and claim 30 depends from and incorporates all of the limitations of independent claim 28.

As discussed above, the Examiner's rejection of claims 1, 18 and 28 in view of Linton should be withdrawn because Linton does not disclose or teach a method or system for online education that utilizes an audio file or a video file to control the pace and duration of the presentation of the lesson on the at least one student system in order to ensure that the student has spent the required amount of time on the lesson. Nor does Linton disclose a means for immediately transmitting a completion record to either a student via a student system or to an education authority via an education system upon completion of the lesson that certifies the student has spent the required amount of time on the lesson. Thus, because Applicants believe that claims 5-6 each depend from allowable base claim 1, claims 20 and 26 each depend from allowable base claim 18, and claim 30 depends from allowable base claim 28, Applicants respectfully submit the rejection of claims 5-6, 20, 26, and 30 under 35 U.S.C. §103(a) as obvious over Linton in view of Papadopoulos and should be withdrawn.

Further, Applicants respectfully submit that the present invention is not obvious in view of Papadopoulos. Papadopoulos discloses a virtual training center that allows a student to access training courses from a computer based training program. Once a course is selected and the course title page is opened, the student has control of the course pace using forward and reverse buttons on the system. (Col. 8, lns. 26-36). Papadopoulos further provides that a completion

certificate can be provided by the system for the purposes of being presented to the student from an administrator, supervisor or other appropriate personnel. (Col. 8, lns. 59-62).

Applicants respectfully submit that Papadopoulos does not disclose immediately transmitting an electronic completion record to either a student on a student system or an education authority on an education authority system. Further, Applicants respectfully submit that Papadopoulos does not disclose a completion record that certifies the student has spent the required amount of time attending the lesson. Rather Papadopoulos provides for the ability to print a paper completion certificate that will be given to the student by a person. Papadopoulos does not disclose electronically transmitting a completion record to a student or an education authority. Moreover, Papadopoulos does not disclose the use of an audio or video file to control the pace and duration of the presentation of the lesson. Instead, Papadopoulos gives control of the pace of the training course directly to the student by allowing the student to use forward and backward buttons to move through the course. Thus, the certificate record in Papadopoulos cannot certify that the student spent the required amount of time on the lesson.

Accordingly, because claims 5-6 depend from and incorporate all the limitations of claim 1, and because claim 1 specifies that "the presentation of the at least one lesson is controlled by an audio controlling means based on the received audio file," Applicants respectfully submit that neither Linton nor Papadopoulos, alone or in combination, teach all the claim limitations of claims 5-6. Further, because claims 20 and 25 depend from and incorporate all the limitations of claim 18 and claim 18 specifies that "the lesson completion record is immediately transmitted to the at least one student system upon the completion of the assignment," Applicants respectfully submit that neither Linton nor Papadopoulos, alone or in combination, teach all the limitations of

claim 20 and 25. Similarly, because claim 30 depends from and incorporates all the limitations of claim 28 and claim 28 specifies that the method of online education of at least one lesson comprises of the step of "immediately transmitting the lesson completion record from the educator provider system to the education authority system upon completion of the lesson," Applicants respectfully submit that neither Linton nor Papadopoulos, alone or in combination, teach all the limitations of claim 30.

Based on these limitations of claims 5-6, 20, 26 and 30 not being taught by Papadopoulos and claims 5-6, 20, 26 and 30 being dependent upon independent claims that are not taught by Linton, Applicants respectfully submit that the rejection of claims 5-6, 20, 26, and 30 under 35 U.S.C. 103(a) as obvious over Linton in view of Papadopoulos should be withdrawn.

VI. Applicants Have Amended Claim 17 To Correct A Typographical Error.

Applicants have amended claim 17 to correct a typographical error in the body of the claim. Applicant respectfully requests acceptance of this amendment.

VII. Petition For Extension of Time.

Applicants hereby petition for an extension of time of one (1) month, under 37 C.F.R. §1.136(a), thereby extending the deadline for response, pursuant to 37 C.F.R. §§1.7(a) & 1.136(a) to Monday, December 16, 2002. Applicants enclose a check in the amount of \$55.00 for payment thereof in accordance with 37 C.F.R. §1.17(a).

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that Applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application, is therefore respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of an additional fee, Applicants conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007.

Respectfully submitted,

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Enclosures: Exhibit A – Marked Up Version of the Amended Claims
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EXHIBIT A

MARKED UP VERSION TO SHOW CHANGES MADE IN THE CLAIM

17. (Amended) An online education system, comprising:

an educator provider system for transmission of at least one interactive lesson comprising at least one video file;

at least one student system capable of receiving the at least one lesson and presenting the lesson to at least one student;

network means for connecting the educator provider system with the at least one student system in bidirectional communication; and _____

_____ a video controlling means operably connected to the network means, such that when the at least one lesson is transmitted over the network means from the educator provider system to that at least one student system, the presentation [or] of the at least one lesson is controlled by the video controlling means based on the received video file.

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18. (Amended) A system for online education comprising:

an educator provider system for transmission of at least one lesson and for transmission of a lesson completion record that certifies that the required amount of time was spent on the lesson;

at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student; and

network means connected to the educator provider system and the at least one student system in bidirectional communication;

such that after completion of transmission of the at least one lesson over the network means from the education provider system to the at least one student system, the lesson

completion record is immediately transmitted to the at least one student system upon the completion of the lesson.

22. (Amended) A method of online education of at least one lesson, the method comprising the steps of:

providing an [the] online education system including: [of claim 1;]

- (a) an educator provider system for transmission of at least one interactive lesson comprising an audio file;
- (b) at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student; and
- (c) network means for connecting the educator provider system with the at least one student system in bidirectional communication;

transmitting one of the at least one lessons from the educator provider system to one of the at least one student systems;

receiving and presenting the transmitted lesson at the student system; and

controlling the pace of the presentation of the received lesson with the received audio file.

23. (Amended) A method of online education of at least one lesson, the method comprising the steps of:

providing an [the] online education system including: [of claim 14;]

- (a) an educator provider system for transmission of a plurality of presentations that make up a lesson, at least one of the plurality of presentations having at least one audio file associated therewith;

(b) at least one student system capable of receiving each of the plurality of presentations and presenting each of the plurality of presentations to at least one student; and

(c) network means for connecting the educator provider system with the at least one student system in bidirectional communication;

transmitting each of the plurality of presentations [one of the at least one lessons] from the educator provider system to one of the at least one student systems; and
receiving and presenting each of the transmitted plurality of presentations at the student system while controlling the pace of presentation of each of the transmitted plurality of presentations of the [transmitted] lesson based on the audio file associated with that presentation.

24. (Amended) A method of online education of at least one lesson, the method comprising the steps of:

providing an [the] online education system including: [of claim 17;]

(a) an educator provider system for transmission of at least one interactive lesson comprising at least one video file;

(b) at least one student system capable of receiving the at least one lesson and presenting the lesson to at least one student;

(c) network means for connecting the educator provider system with the at least one student system in bidirectional communication; and

(d) a video controlling means operably connected to the network means;

transmitting one of the at least one lessons from the educator provider system to one of the at least one student systems;

receiving and presenting the transmitted lessons at the student system; and _____

controlling the pace of the presentation of the received lesson with the video controlling means.

25. (Amended) A method of online education of at least one lesson, the method comprising the steps of:

providing an [the] online education system including: [of claim 18;]

(a) an educator provider system for transmission of at least one lesson and for transmission of a lesson completion record that certifies that the required amount of time was spent on the lesson;

(b) at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student; and

(c) network means connected to the educator provider system and the at least one student system in bidirectional communication;

transmitting one of the at least one lessons from the educator provider system to one of the at least one student systems;

receiving and presenting the transmitted lesson at the student system until the transmitted lesson is completed;

generating the lesson completion record with the educator provider system; and

immediately transmitting the lesson completion record from the educator provider system to the student system on which the lesson was completed, upon the completion of the lesson.

28. (Amended) A method of online education of at least one lesson, the method comprising the steps of:

providing an online education system including:

- (a) an educator provider system for transmission of at least one lesson and for transmission[s] of a lesson completion record that certifies that the required amount of time was spent on the lesson; [,]
- (b) a student system capable of receiving the at least one lesson and presenting the at least one lesson to a student using the student system; [,]
- (c) an education authority system capable of receipt of the lesson completion record; [,] and
- (d) a network means operably connected to the educator provider system, the student system, and the education authority system;

transmitting one of the at least one lessons from the educator provider system to the student system;

receiving and presenting the transmitted lesson at the student system until the transmitted lesson is completed;

generating with the educator provider system the lesson completion record; and
immediately transmitting the lesson completion record from the educator provider system to the education authority system upon completion of the lesson.